

## EDUCATIONAL EXAMINERS BOARD[282]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

2010 Iowa Acts, House File 2286, amended Iowa Code section 272.2, subsection 14, paragraph “b,” subparagraph (1), subparagraph division (b), subparagraph (iii), to remove the language regarding a detention in a brothel. This same language is in the Board’s rules and therefore must be amended.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, August 18, 2010, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, August 20, 2010. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to [kim.cunningham@iowa.gov](mailto:kim.cunningham@iowa.gov), or by fax to (515)281-7669.

This amendment is intended to implement Iowa Code section 272.2 as amended by 2010 Iowa Acts, House File 2286.

The following amendment is proposed.

Amend subparagraph **25.3(1)“b”(1)** as follows:

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. No change.
2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
  - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
  - Lascivious acts with a child;
  - ~~Detention in a brothel;~~
  - Assault with intent to commit sexual abuse;
  - Indecent contact with a child;
  - Sexual exploitation by a counselor;
  - Lascivious conduct with a minor; or

- Sexual exploitation by a school employee;
3. to 5. No change.